

In re ) Fair Hearing No. 18,488  
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Appeal of )

The petitioner appeals the decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) terminating his eligibility for Medicaid. The issue is whether the petitioner has resources in excess of the program maximum.

1. The petitioner is a single man with no minor dependents. He is categorically eligible for Medicaid on the basis of disability.

2. During a review of his eligibility in May 2003 the Department discovered that the petitioner had various bank accounts. There is no dispute in the matter that the total amount in these accounts is over \$20,000, which is well in excess of the Medicaid resource maximum of \$2,000 for a single individual.<sup>1</sup>

<sup>1</sup> The Department has allowed the petitioner an exclusion from resources for a prepaid burial account the petitioner recently purchased.

3. The petitioner maintains that he set up the accounts in question as long-term investments and that he intended that his access to them would be limited. He has provided the Department with documents concerning these accounts and the name of the investment broker who sold them to him. However, based on the information the petitioner has provided, it appears that all the accounts in question are readily available to the petitioner to draw upon at any time, although he may incur some interest penalties if he does so.

4. Based on his income (which is not in dispute) the petitioner has been found eligible for VScript benefits, a program that does not have a resource test.

ORDER

The Department's decision is affirmed.

REASONS

The Medicaid regulations define resources as follows:

Resources are cash, liquid assets, or any real or personal property that an individual owns and could convert to cash to be used for his/her support and maintenance. If an individual has the right, authority or power to liquidate the property or his/her share of it, it is considered a resource. . . .

As noted above, there is no dispute in this matter that the amount of money in the accounts in question is far in excess of the \$2,000 program maximum. See Procedures Manual § P-2420C. Based on the information furnished by the petitioner there is no basis to conclude that he does not have immediate access to the accounts in question. Although the petitioner may have intended to put aside these assets for use when he was older, nothing in the regulations allows or compels the Department to consider them unavailable to him or otherwise exempt as a resource at this time.

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